

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2004-126-E – ORDER NO. 2004-507  
OCTOBER 19, 2004

IN RE: Proceeding to Review the Gas Supply	) ORDER DENYING
Agreement between South Carolina Electric	) MOTION OF COLUMBIA
& Gas Company and SCANA Energy	) ENERGY TO
Marketing, Inc.	) TERMINATE DOCKET
	) AND GRANTING
	) MOTION OF SCE&G
	) FOR STATUS
	) CONFERENCE

This matter come before the Public Service Commission of South Carolina (the “Commission”) on the Request of Columbia Energy, LLC (“Columbia Energy”) to terminate the instant docket and address the issues raised in this docket in South Carolina Electric & Gas Company’s (“SCE&G’s”) upcoming rate case. In addition, the Commission is asked to consider a Motion filed by SCE&G requesting a status conference in the instant docket.

By letter dated July 16, 2004, Columbia Energy requests that the Commission close the instant docket and address the issues raised in this docket in SCE&G’s upcoming rate case. In furtherance of this request, Columbia Energy advises the Commission that counsel for Columbia Energy and counsel for SCE&G have had numerous discussions in an attempt to resolve the issues raised by the Motion for Protective Order in the hearing which was held on June 24, 2004. At that hearing, the

Commission heard argument on SCE&G's Motion for a Protective Order. The Commission then continued the hearing to allow the Commission Staff ("Staff") the opportunity to research the issues presented by the Motion as well as to give the parties an opportunity to try to resolve those issues concerning the protective order. Counsel for Columbia Energy advises the Commission that despite good faith efforts to find a solution that the parties have been unable to do so. Columbia Energy states that it believes that as a party to the docket Columbia Energy is entitled to access discovery and evidence which is available to other parties. Columbia Energy further states its belief that the relief appropriate to address the concerns underlying SCE&G's Motion for Protective Order is through an appropriate protective order and not by preventing a party access to evidence which is submitted in the case.

By Motion filed with the Commission on July 20, 2004, SCE&G requests, pursuant to 26 S.C. Code Regs. 103-840 and 103-863(A), that the Commission convene a prehearing status conference in the instant docket. SCE&G requests that the status conference include counsel of record for the parties and such other person or persons as the Commission may designate for the purposes of formulating issues and considering the following:

- (1) The simplification of issues;
- (2) The possibility of obtaining admissions of fact and documents which will avoid unnecessary proof;
- (3) The scope of hearing;
- (4) The procedure at the hearing;

(5) Any other matters as may aid in the disposition of the proceeding or settlement thereof.

As a basis for its Motion, SCE&G tracks the history of the instant docket including the hearing on June 24, 2004 convened on this matter. At the beginning of the hearing, the Commission heard oral arguments on SCE&G's Motion for Protective Order. Thereafter, the Commission recessed the hearing in order to provide time for additional research and analysis and urged discussions between SCE&G and Columbia Energy in an effort to resolve the confidentiality issue. Following the hearing, SCE&G advises the Commission that conferences with Columbia Energy and with the Consumer Advocate have been held in an effort to reach an agreement on the issue of confidentiality and to settle issues in the case. To date the parties have been unable to reach an accord. SCE&G states that it would be helpful, and suggests that it would be proper, for the Commission to schedule a status conference for the purposes cited above.

Upon consideration of the Motions before it, the Commission finds that the request of Columbia Energy to terminate the instant docket and to consider the issues from this docket in the SCE&G rate case hearing should be denied. The Commission believes that the contract between SCE&G and SCANA Energy Marketing, Inc. ("SEMI") concerning the gas supply to the Jasper Plant is an issue that is appropriately considered in the context of the fuel case. Therefore, the Commission believes that the present docket should continue and the Motion to consolidate these issues into the rate case is denied.

As to the Motion for a Status Conference, the Commission finds good cause to grant a status conference among the parties. Accordingly, the Commission grants the Motion for a Status Conference to consider the issues stated above as identified in SCE&G's Motion.

IT IS THEREFORE ORDERED THAT:

1. The Motion of Columbia Energy to terminate the instant docket and consider the issues herein in the SCE&G rate case hearing is denied.
2. The Motion of SCE&G for a Status Conference among the parties of record and a Commission representative is granted.
3. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:

/s/  
Randy Mitchell, Chairman

ATTEST:

/s/  
G. O'Neal Hamilton, Vice Chairman

(SEAL)